

REMARKS

Now in the application are Claims 1-6, 8-18, and 20-26 of which Claims 1, 6, 11, 13, 18, 21, 22, 23, and 26 are independent. No new matter is presented and no new issue is raised. The following comments address all stated grounds of rejection and place the presently pending claims, as identified above, in condition for allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1-6, 8-18, and 20-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,012,095 (hereinafter "Thompson"). Applicant respectfully traverses these rejections on the basis of the following arguments and further contends that Thompson fails to teach or suggest each and every element of these claims, as described below, and hence, does not detract from the patentability of each claimed invention.

For the ease of the discussion below, each respective claim set rejected under 35 U.S.C. § 103(a) is discussed separately.

A. Rejection of Claims 1-5 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 1-5 as being unpatentable over Thompson. Applicant respectfully traverses this rejection on the basis of the following arguments, and further contends that Thompson fails to teach or suggest each and every element of these claims, as described below, and hence, does not detract from the patentability of the claimed invention.

Claims 1-5 are directed to a system for providing service level management in a network. A service under service level management is composed of network components and a state of the service depends on the state of the network components. The system includes multiple monitoring agents to each monitor a respective aspect of operation of the network. Each monitoring agent being configured to detect one or more events relative to the respective aspect of operation of the network and to generate an alarm as a function of the one or more detected events. The system further includes an alarm correlation agent to receive the one or more alarms

from the multiple monitoring agents to determine a state of a service. If necessary, the alarm correlation agent issues one or more instructions to establish a desired state of the service to provide service level management in the network.

In other words, the system for providing service level management in a network recited in Claims 1-5 determines if a relationship exists between alarms generated with respect to different operating characteristics of the network to determine a service level of a service provided by the network. The service level provides a value representative of a service quality. As such, performance metrics defined under a Service Level Agreement (SLA) are compared with one or more service levels to determine compliance with the SLA. If the comparison indicates it is necessary to take some action, functions within the network are modified in attempt to come into compliance with the defined performance metrics. As such, the system recited in Claims 1-5 provides a structure, an operation, and a function to improve performance of a function a network provides for a business process.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. The generic notifications framework system of Thompson integrates information from different protocols in a management station interfaced with a network and permits correlation of the information to make more sophisticated management decisions. The generic notifications framework system has one or more protocol specific translators in communication with the network, a generic notifications framework in communication with the translators, and one or more consumer components in communication with the framework. The translators receive event data elements corresponding with different management protocols from the network and translate the event data elements into respective canonical data structures. Each of the canonical data structures includes (a) a generic field that is common to generally all of the canonical data structures, (b) one or more attribute fields generated by the translator based upon an examination of a protocol data unit associated with each of the event data elements, and (c) a protocol data unit that is generally identical to the native protocol data unit that arrived with the event data element. The

consumer components register with the framework to receive any canonical data structures having particular attribute fields.

The generic notifications framework forwards the appropriate canonical data structures to the appropriate consumer components based on the attribute field values. The correlator may be associated with the framework to correlate the canonical data structures to derive an intelligent event data element, which is essentially the result of an assimilation and logical evaluation of various event data elements. In other words, Thompson provides an event translator configured to translate protocol specific event data into a canonical data structure having a format understandable by multiple consumer components to enable the sharing of events from different management protocols, such as SNMP, ISO, DCE, SNA, and NW. *See* column 7, lines 29-44 of Thompson. The system disclosed by Thompson does not relate to a system for providing service level management in a network, wherein a service is composed of network components and a state of the service depends on the state of the network components. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the system for providing service level management in a network recited in Claims 1-5.

The system of Claims 1-5 recites a system for providing service level management in a network, wherein a service is composed of network components and a state of the service depends on the state of the network components that includes, amongst other features, multiple monitoring agents and an alarm correlation agent. The alarm correlation agent receives one or more alarms from the monitoring agents to determine a state of a service and, if necessary, to issue one or more instructions to establish a desired state of the service. In the Office Action, Figures 6 and 7 as well as correlator 706 are cited as teaching or suggesting the claimed alarm correlation agent. Nevertheless, Applicant respectfully disagrees. A careful review of Figures 6 and 7, and the corresponding text from the specification teach that correlator 706 is an event correlator and does not disclose an alarm agent as recited in Claim 1. *See*, Figure 7 of Thompson. That is, the event correlator of the Thompson patent is configured to interact with an alarm service to create new alarms or update a state of an existing alarm. *See*, Column 11, lines

29-30 of Thompson. The event correlator has a structure, operation, and function different from the structure, operation and function of the alarm correlation agent recited in Claim 1.

More specifically, the cited event correlator does not receive one or more alarms from monitoring agents to determine a state of a service and, if necessary, issue one or more instructions to establish a desired state of the service. As described in Thompson, correlator 706 is dedicated to monitoring events and determining when disk memory is approaching full capacity. If the correlator detects the disk memory is approaching full capacity it issues a disk low notification to the alarm service, which, in turn, issues an alarm state change. *See*, column 11, line 62 to column 12, line 9 of Thompson. The structure, operation, and function of the correlator 706 provides a mechanism to detect events, such as a change in state of an alarm. Nowhere in the Thompson patent is there a teaching or suggestion that the correlator 706 receives one or more *alarms* from monitoring agents to determine a state of service, and, if necessary, to issue one or more instructions to establish a desired state of the service. The correlator 706 of the Thompson patent is concerned with monitoring events and does not have a structure, function, or operation to act as an alarm correlation agent to receive one or more alarms from monitoring agents to determine a state of a service and, if necessary, to issue one or more instructions to establish a desired state of the service as recited in Claims 1-5.

Moreover, Thompson is concerned with solving cross protocol compatibility issues so a network manage system can understand data having a variety of formats sent by a variety of network devices transmitting data conforming to a variety of network management protocols. Hence, Thompson does not teach or suggest that a service is composed of network components and a state of the service depends on the state of the network components as recited in Claim 1.

Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 1-5. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 1-5 under 35 U.S.C. § 103(a).

B. Rejection of Claims 6 and 8-10 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 6 and 8-10 as being unpatentable in view of Thompson. The Applicant respectfully traverses this rejection on the basis of the following arguments, and further contends that Thompson fails to teach or suggest each and every element of these claims, as described below, and hence, does not detract from the patentability of the claimed invention.

Claims 6 and 8-10 are directed to a system for providing service level management in a network. A service is composed of network components and a state of the service depends on a state of the network components. The system includes a first monitoring agent, a second monitoring agent, an alarm repository, and an alarm correlation agent. The first monitoring agent is configured to monitor a respective first aspect of operation of the network. The first monitoring agent can detect one or more events relative to the first aspect of operation and can generate an alarm as a function of the one or more detected events. The second monitoring agent is configured to monitor a respective second aspect of operation of the network. The second aspect of operation of the network being different from the first aspect of operation of the network monitored by the first monitoring agent. The second monitoring agent can detect one or more events relative to the second aspect of operation and can generate an alarm as a function of the one or more detected events. The alarm repository receives one or more alarms from each of the first and second monitoring agents. The alarm correlation agent reads the one or more alarms in the alarm repository and determines a state of service from the read one or more alarms. The Thompson patent fails to teach or suggest such a system having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claims 6 and 8-10 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. Moreover specifically, Thompson is concerned with solving cross protocol compatibility issues so a network management system can understand data having a variety of formats sent by a variety of network devices transmitting data conforming to a variety of network management protocols.

The generic notifications framework system of Thompson includes amongst other elements a correlator 706. The correlator of Thompson is configured to monitor events and interact with the alarm service 704 to create new alarms or update a state of an existing alarm. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the system for providing service level management in a network recited in Claims 6 and 8-10.

The system of Claims 6 and 8-10 includes a first and second monitoring agent, an alarm repository, and an alarm correlation agent. The alarm correlation agent reads one or more alarms in the alarm repository, and determines a state of a service from the read one or more alarms. Correlator 706 does not read one or more alarms from an alarm repository and, hence does not determine a state of a service from the read alarm or alarms. That is, the correlator of the Thompson patent is configured to monitor events and interact with the alarm service to generate new alarms or change a state of an existing alarm. Nowhere in the Thompson patent is there a teaching or suggestion of *an alarm correlation agent* that reads one or more alarms in the alarm repository, and determines a state of a service from the read one or more alarms. The correlator of the Thompson patent is concerned with monitoring events to either generate an alarm or update a state of an existing alarm. The correlator of Thompson is not an *alarm correlation agent* to read one or more alarms in the alarm repository, and to determine a state of a service from the read one or more alarms as recited in Claims 6 and 8-10. Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 6 and 8-10. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 6 and 8-10 under 35 U.S.C. § 103(a).

C. Rejection of Claims 11 and 12 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 11 and 12 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the following arguments, and further contends that Thompson fails to teach or suggest all elements of these claims, as described below, and hence, does not detract from the patentability of the claimed invention.

Claims 11 and 12 are directed to a system for providing service level management in a network having at least one monitoring agent to monitor at least one aspect of operation of the network and to generate an alarm as a function of one or more detected events. A service under service level management is composed of network components and a state of the service depends on the state of the network components. The system includes an alarm correlation agent to receive the one or more alarms from the at least one monitoring agent to determine a state of a service and, if necessary, to issue one or more instructions to establish a desired state of the service. The Thompson patent fails to teach or suggest such a system having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claims 11 and 12 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. More specifically, Thompson is concerned with solving cross protocol compatibility issues so a network management system can understand data having a variety of formats sent by a variety of network devices transmitting data conforming to a variety of network management protocols.

The generic notifications framework system of Thompson includes amongst other elements a correlator 706. The correlator of Thompson is configured to monitor events and interface with an alarm service to generate new alarms or update a state of an existing alarm. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the system for providing service level management in a network recited in Claims 11 and 12.

The system of Claims 11 and 12 includes an alarm correlation agent to receive one or more alarms from at least one monitoring agent to determine a state of a service and, if necessary, to issue one or more instructions to establish a desired state of the service. The correlator of the Thompson patent is configured to monitor events and communicate with an alarm service to generate an alarm or change a state of an existing alarm based on a detected event. Nowhere in the Thompson patent is there a teaching or suggestion that an *alarm*

correlation agent receives one or more alarms from at least one monitoring agent to determine a state of a service and, if necessary, to *issue* one or more *instructions* to establish a desired state of the service. The correlator of the Thompson patent is concerned with events and does not issue instructions to establish a desired state of a service. Moreover, the correlator of Thompson is not an *alarm correlation agent* to receive one or more alarms from at least one monitoring agent to determine a state of a service and, if necessary, to issue one or more instructions to establish a desired state of the service as recited in Claims 11 and 12.

Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 11 and 12. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 11 and 12 under 35 U.S.C. §103(a).

D. Rejection of Claims 13-17 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 13-17 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the following arguments, and further contends that Thompson fails to teach all elements of these claims, as described below, and hence does not detract from the patentability of the claimed invention.

Claims 13-17 are directed to a method of providing service level management in a network. A service associated with the network is composed of network components and a state of the service depends on the state of the network components. Performance of the method monitors one or more aspects of operation of the network and detecting one or more events relative to the one or more aspects of operation, and generates an alarm for a respective aspect of network operation as a function of the respective detected one or more events. Performance of the method further determines a relationship between the one or more alarms and determines a state of the service as a function of the relationship between the one or more alarms. The Thompson patent fails to teach or suggest such a method having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claims 13-17 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. More specifically, Thompson is concerned with solving cross protocol compatibility issues so a network management system can understand data having a variety of formats sent by a variety of network devices transmitting data conforming to a variety of network management protocols. Hence, Thompson does not teach or suggest that a service is composed of network components and a state of the service depends on the state of the network components as recited in Claim 13.

The generic notifications framework system of Thompson includes amongst other elements a correlator 706. The correlator of Thompson is configured to monitor events and interact with an alarm service to generate new alarms or change a state of an existing alarm based on a detected event. Moreover, Thompson is not concerned with Service Level Management. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the method of providing service level management in a network recited in Claims 13-17.

The method of Claims 13-17 includes a step of determining a relationship between one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms. The correlator of the Thompson patent does not perform such a step. The structure, operation, and function of the correlator taught by Thompson provides a mechanism to monitor for events, and when an event is detected, the correlator interacts with an alarm service to generate a new alarm or update a state of an existing alarm. Nowhere in the Thompson patent is there a teaching or suggestion of a step of determining a relationship between one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms. The correlator of the Thompson patent is concerned with detecting events from generic notification messages. The correlator of Thompson does not perform a step of determining a relationship between one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms as recited in Claims 13-17.

Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 13-17. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 13-17 under 35 U.S.C. §103(a).

E. Rejection of Claims 18 and 20 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 18 and 20 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the following arguments, and further contends that Thompson fails to teach or suggest all elements of these claims, as described below, and hence, does not detract from the patentability of the claimed invention.

Claims 18 and 20 are directed to a method of providing service level management in a network. A service under service level management is composed of network components and a state of the service depends on a state of the network components. The method includes a number of steps, which include amongst other steps, the step of monitoring a first aspect of operation of the network and detecting one or more events relative to the first aspect of network operation. Another step of the method includes monitoring a second aspect of operation of the network, the second aspect of operation being different from the first aspect of operation, and detecting one or more events relative to the second aspect of network operation. Other steps of the method include generating a first alarm as a function of the detected one or more events relative to the first aspect of network operation and generating a second alarm as a function of the detected one or more events relative to the second aspect of network operation. Performance of the method sends the first and second alarm to an alarm repository. By accessing the first and second alarms from the alarm repository and determining a state of service as a function of the access first and second alarms the method provides service level management in a network. The Thompson patent fails to teach or suggest such a method having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claim 18 and Claim 20 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. More specifically,

Thompson is concerned with solving cross protocol compatibility issues so a network management system can understand data having a variety of formats sent by a variety of network devices transmitting data conforming to a variety of network management protocols. Hence, Thompson does not teach or suggest that a service is composed of network components and a state of the service depends on the state of the network components as recited in Claim 18.

The generic notifications framework system of Thompson includes amongst other elements a correlator 706. The correlator of Thompson is configured to monitor generic notifications for events, and if an event is detected, interact with an alarm service to generate an alarm or change a state of an existing alarm. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the method of providing service level management in a network recited in Claim 18 and Claim 20.

The method of Claims 18 and 20 includes the steps of accessing the first and second alarms from the alarm repository, and determining a state of a service as a function of the accessed first and second alarms. Correlator 706 as taught by Thompson monitors generic notifications for events. Nowhere does the Thompson patent teach or suggest the correlator 706 accesses multiple alarms from the alarm repository, and determines a state of a service as a function of the accessed alarms. The correlator 706 merely interacts with alarm service 704 to generate an alarm and the correlator 706 does not read from an alarm repository. The structure, operation, and function of the correlator provides a mechanism that monitors generic notifications to detect events and update alarm states based on detected events. Nowhere in the Thompson patent is there a teaching or suggestion of the steps of accessing first and second alarms from an alarm repository, and determining a state of a service as a function of the accessed first and second alarms. The correlator of the Thompson patent is concerned with monitoring and is not concerned with accessing an alarm repository and determining a state of a service as a function of the accessed alarms.

Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 18 and 20. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 18 and 20 under 35 U.S.C. §103(a).

F. Rejection of Claim 21 under 35 U.S.C. § 103(a):

The Office Action rejects Claim 21 as being unpatentable in view of Thompson. Applicant's respectfully traverse this rejection on the basis of the following arguments, and further contend that Thompson fails to teach or suggest all elements of this claim, as described below, and hence does not detract from the patentability of the claimed invention.

Claim 21 is directed to a computer program product. The claimed computer program product includes computer program instructions on a computer readable medium. The computer program instructions, when executed by a computer, direct the computer to perform a method of providing service level management in a network. A service under service level management is composed of network components and a state of the service depends on a state of the network components. The method includes a number of steps amongst which include the step of monitoring one or more aspects of operation of the network and detecting one or more events relative to the one or more aspects of operation. Other steps of the method generate an alarm for a respected aspect of network operation as a function of the respective detected one or more events, determine an association between the one or more alarms and determine a state of a service as a function of the association. The Thompson patent fails to teach or suggest such a computer program product having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claim 21 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. More specifically, Thompson is concerned with solving cross protocol compatibility issues so a network manage system can understand data having a variety of formats sent by a variety of network devices transmitting data conforming to a variety of network management protocols. Hence, Thompson

does not teach or suggest that a service is composed of network components and a state of the service depends on the state of the network components as recited in Claim 21.

The generic notifications framework system of Thompson includes amongst other elements a correlator 706. The correlator of Thompson is configured to monitor generic notifications for events, and when the correlator detects an event it interacts with an alarm service to generate a new alarm or update a state of an existing alarm. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the method of providing service level management in a network recited in Claim 21.

The computer program product of Claim 21 includes the step of determining an association between the one or more alarms and determining a state of a service as a function of the association. The correlator of the Thompson patent is configured to monitor generic notifications for events. Nowhere in the Thompson patent is there a teaching or suggestion of the step of determining a relationship between one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms. The correlator of the Thompson patent is concerned with monitoring for events. The correlator of Thompson does not perform the step of determining an association between the one or more alarms and determining a state of a service as a function of the association as recited in Claim 21.

Accordingly, the Thompson patent fails to teach or suggest each and every element of Claim 21. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claim 21 under 35 U.S.C. §103(a).

G. Rejection of Claim 22 under 35 U.S.C. § 103(a):

The Office Action rejects Claim 22 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the following arguments, and further contends that Thompson fails to teach or suggest all elements of this claim, as described below, and hence does not detract from the patentability of the claimed invention.

Claim 22 is directed to a system for providing service level management in a network. A service associated with service level management is composed of network components and a state of the service depends on a state of the network components. The system includes means for monitoring one or more aspects of operation of the network and detecting one or more events relative to the one or more aspects of network operation. The system also includes means for generating an alarm for a respective aspect of network operation as a function of the respective detected one or more events and includes means for associating the one or more alarms and determining a state of the service as a function of the associated one or more alarms. The Thompson patent fails to teach or suggest such a system having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claim 22 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. More specifically, Thompson is concerned with solving cross protocol compatibility issues so a network management system can understand data having a variety of formats sent by a variety of network devices transmitting data conforming to a variety of network management protocols. Hence, Thompson does not teach or suggest that a service is composed of network components and a state of the service depends on the state of the network components as recited in Claim 22.

The generic notifications framework system of Thompson includes amongst other elements a correlator. The correlator of Thompson is configured to monitor generic notifications for events and upon detection of an event interact with an alarm service to generate an alarm or update the state of an existing alarm. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the system for providing service level management in a network recited in Claim 22.

The system of Claim 22 includes, amongst other features, a means for associating one or more alarms and determining a state of the service as a function of the associated alarms. The correlator of the Thompson patent is configured to monitor generic notifications for events. The

structure, operation, and function of the correlator provides a mechanism that monitors events and interacts with an alarm service to generate a new alarm or change a state of an existing alarm upon detection of an event. Nowhere in the Thompson patent is there a teaching or a suggestion of the means for associating one or more alarms and determining a state of the service as a function of the relationship between the one or more alarms. The correlators of the Thompson patent are concerned with monitoring for events and interacting with an alarm service to generate alarms based on detected events. The correlator of Thompson does not associate one or more alarms and determine a state of a service as a function of the associated alarms as recited in Claim 22.

Accordingly, the Thompson patent fails to teach or suggest each and every element of Claim 22. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claim 22 under 35 U.S.C. §103(a).

H. Rejection of Claims 23-25 under 35 U.S.C. § 103(a):

The Office Action rejects Claims 23-25 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the following arguments, and further contends that Thompson fails to teach or suggest all elements of these claims, as described below, and hence does not detract from the patentability of the claimed invention.

Claims 23-25 are directed to a system for providing service level management in a network. A service under service level management is composed of network components and a state of the service depends on the state of the network components. The system includes multiple monitoring agents to each monitor a respective aspect of operation of the network. Each monitoring agent detects one or more events relative to the respective aspect of operation and generates an alarm as a function of the one or more detected events. Each monitoring agent includes an alarm correlation agent to receive one or more alarms from the other monitoring agents for consideration in generation of the alarm as a function of the one or more detected events. Further, each monitoring agent includes a control agent to issue one or more instructions regarding a respective aspect of operation of the network in order to establish a desired state of a

service. The Thompson patent fails to teach or suggest such a system having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claims 23-25 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. More specifically, Thompson is concerned with solving cross protocol compatibility issues so a network management system can understand data having a variety of formats sent by a variety of network devices transmitting data conforming to a variety of network management protocols. Hence, Thompson does not teach or suggest that a service is composed of network components and a state of the service depends on the state of the network components as recited in Claim 23.

The generic notifications framework system of Thompson includes amongst other elements a correlator 706. The correlator monitors generic notifications for events and based on a detected event interacts with an alarm service to generate a new alarm or change a state of an existing alarm. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the system for providing service level management in a network recited in Claims 23-25.

The system of Claims 23-25 includes multiple monitoring agents and each monitoring agent includes an alarm correlation agent and a control agent. The correlator of the Thompson patent is configured to monitor a canonical data structure for events. Nowhere in the Thompson patent is there a teaching or suggestion of multiple monitoring agents and each monitoring agent includes an alarm correlation agent and a control agent. More specifically, the correlator of Thompson does not include an alarm correlation agent and does not include a control agent as recited in Claims 23-25.

Accordingly, the Thompson patent fails to teach or suggest each and every element of Claims 23-25. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claims 23-25 under 35 U.S.C. §103(a).

I. Rejection of Claim 26 under 35 U.S.C. § 103(a):

The Office Action rejects Claim 26 as being unpatentable in view of Thompson. Applicant respectfully traverses this rejection on the basis of the following arguments, and further contends that Thompson fails to teach or suggest all elements of this claim, as described below, and hence does not detract from the patentability of the claimed invention.

Claim 26 is directed to a computer program product. The claimed computer program product includes a computer readable medium and computer program instructions on the computer readable medium. The computer program instructions, when executed by a computer, direct the computer to perform a method of providing service level management in a network. A service associated with the service level management is composed of network components and a state of the service depends on a state of the network components. The method includes for each of a plurality of agents a number of steps including the step of monitoring one or more aspects of respective operations of the network and detecting one or more events relative to the respective one or more aspects of operation. Another step of the method includes generating an alarm for the respective aspect of network operation as a function of the respective detected one or more events. The method also includes the step of communicating with the agents to access events or alarms in the respective operation of the other monitoring agent and determining an existence of an association between these events or alarms from other monitoring agents in the alarm generated for the respective aspect of network operation. The Thompson patent fails to teach or suggest such a computer program product having such a structure and an operation and a function. Hence, the Thompson patent fails to render Claim 26 unpatentable.

The Thompson patent is concerned with a generic notifications framework system and method for enhancing operation of a management station on a network. More specifically, Thompson is concerned with solving cross protocol compatibility issues so a network management system can understand data having a variety of formats sent by a variety of network devices transmitting data conforming to a variety of network management protocols. Hence, Thompson

does not teach or suggest that a service is composed of network components and a state of the service depends on the state of the network components as recited in Claim 26.

The generic notifications framework system of Thompson includes amongst other elements a correlator 706. The correlator of Thompson is configured to monitor the generic notifications for events. As such, the system of Thompson has a structure and a function and an operation, distinct from the structure and function and operation of the computer program product for providing service level management in a network recited in Claim 26.

The computer program product of Claim 26 includes the step of communicating with the other agents to access events or alarms in the respective operation of the other monitoring agent, and determining an existence of an association between these events or alarms from other monitoring agents in the alarm generated for the respective aspect of network operation. The correlator taught by Thompson does not perform such a function or operation. That is, the correlator of the Thompson patent is configured to monitor generic notification for events and upon detection of an event, interact with an alarm system to generate an alarm or change a state of an existing alarm. Nowhere in the Thompson patent is there a teaching or suggestion of a correlator communicating with the other agents to access events or alarms in the respective operation of the other monitoring agent and determining an existence of an association between these events or alarms from other monitoring agents in the alarm generated for the respective aspect of network operation. The Thompson patent does not teach or suggest that the correlator 706 performs the step of communicating with the other agents to access events or alarms in the respective operation of the other monitoring agent and determining an existence of an association between these events or alarms from other monitoring agents in the alarm generated for the respective aspect of network operation as recited in Claim 26.

Accordingly, the Thompson patent fails to teach or suggest each and every element of Claim 26. Hence, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of Claim 26 under 35 U.S.C. §103(a).

CONCLUSION

In view of the remarks set forth above, Applicants contend that Claims 1-6, 8-18, and 20-26 are presently pending in this application, are patentable, and in condition for allowance. If the Examiner deems there are any remaining issues, we invite the Examiner to call the undersigned at (617) 227-7400.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

A handwritten signature in black ink, reading "David R. Burns". The signature is written in a cursive style with a horizontal line underneath the name.

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